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OFFICE OF PETITIONS

In re Application of :
Douglas Boehner :
Application No. 09/781,530 :
Filed: February 8, 2001 :
Attorney Docket No. SPORT-001 :

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed on January 4, 2006, to revive the above-identified application.

The application became abandoned on September 2, 2002, for failure to file a proper response to the Notice of Non-Responsive Amendment mailed on August 1, 2002, which set a one-month period for reply. A Notice of Abandonment was mailed on November 18, 2002. On June 2, 2005, applicant filed a petition under 37 CFR 1.137(a), which was dismissed by the decision of September 7, 2005. On January 4, 2006, applicant submitted the present petition, an amendment, a terminal disclaimer, and a Revocation of Attorney and Power of Attorney, and paid the requisite fees.

Applicant has met the requirements to revive the application under 37 CFR 1.137(b). Therefore, the petition is granted.

Applicant submitted a terminal disclaimer in the present application on June 2, 2005, and on January 4, 2006, with the required fees. However, there is no indication in the record that applicant was required to submit a terminal disclaimer (and fee set forth in § 1.20(d)) pursuant to 37 CFR 1.137(d). Accordingly, the terminal disclaimers will not be entered. Applicant may request a refund of the terminal disclaimer fees, totaling \$130.00, by writing to the following address:

Mail Stop 16
Director of the US Patent and Trademark Office
PO Box 1450
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A copy of this decision should accompany applicant's request.

The application file is being forwarded to Technology Center Art Unit 3712.

Telephone inquiries related to this decision should be directed to the undersigned at (571) 272-3211. All other questions regarding the status of the application or the examination procedures should be directed to the Technology Center.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

Enclosures: Notice of Acceptance of Power of Attorney
Notice Regarding Change of Power of Attorney